

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**TUESDAY, FEBRUARY 3, 2009**  
**7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Hollis gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,  
Council member Michael Grim, Council member James Harter, Council member Hollis.

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; Dianne MacMillan,  
Town Clerk; Kathy Monk, Town Treasurer; David Griffin, Town Attorney; Ron Fox,  
Police Department

Press: Jessica Burchard, Winchester Star; J. R. Williams, Northern Virginia Daily

Guests: Evan Wyatt, Greenway Engineering

**AGENDA**

Mayor Ewing asked that the Agenda be approved. Council member Grim moved to adopt the agenda and the motion passed.

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

A. Proposed Amendment to Joint Land Use Plan and Joint Land Use Map

Mayor Ewing asked the Town Planner, Brian Henshaw for a brief background on the topic of the public hearing. Mr. Henshaw said that the process started because of ambiguities in the land use plan and the map. He said that over the last several months he had been working with the joint land use committee to address the land use categories to better identify them for rezoning or other land use decisions. Mr. Henshaw said this has resulted in much more detail including taking into account future road and transportation structures.

Mayor Ewing opened the public hearing and asked for comments. Evan Wyatt from Greenway Engineering said he talked to the Planning Commission and one concern was the buffers leading into town. He said they want to make sure the corridors leading into town in both directions are well designed. He stated that speaking on behalf of the property owner, they

were in full support of the ordinance amendment as written. Mr. Wyatt stated that consideration should be given to a corridor overlay area on Route 11. He said it could be addressed in a comprehensive plan update and could also be used to mitigate impacts of development. He spoke generally on how the Joint Land Use Plan proscribed existing zoning for the existing parcels on the north end of the Town.

There being no further comments, Mayor Ewing closed the public hearing.

#### **B. Proposed Amendment of Erosion & Sediment Control Ordinance**

Mayor Ewing asked Mr. Henshaw for a brief overview of the ordinance amendment. Mr. Henshaw noted that the ordinance was an ongoing process. He reported that he had completed his training through the Department of Conservation and Recreation and was a certified administrator for erosion and sediment control. He said that in the past the town relied on the Lord Fairfax Soil and Water Conservation District to administer the ordinance but since the town had grown and become busier, it was better to have staff certified to do reviews in house. He added that before this could be implemented the Erosion & Sediment Control Ordinance needed to be updated.

Mayor Ewing opened the public hearing. There being no comment, the public hearing was closed.

#### **PRESENTATIONS**

Mr. Chris Price, Executive Director of the Northern Shenandoah Valley Regional Commission introduced himself. He said that the Commission was an intergovernmental cooperation between jurisdictions to provide local technological assistance services to the member localities. He said that every city and town in the state is a member of a Planning District Commission. He stated that some of the services provided are transportation planning, housing and community development and natural resources planning. He spoke specifically on issues in Stephens City including transportation planning, expansion of public transit into the area; federal stimulus legislation which had already passed, and the housing & economic recovery act of 2009. He said that the Commission would be conducting workshops later in the month after the senate bill passed on what the stimulus package means to local government. He stated that the Natural Resources Program principal project was the water supply plan where every regional will produce a plan which is due by 2011 economics and data analysis program. Mr. Price also noted that they provide mapping services; local technical assistance including comprehensive plan development, grant administration and grant writing. Mr. Price said he would like to come out periodically and update Council on what the Commission was doing. Mayor Ewing said he appreciated the information and update.

#### **MINUTES – January 6, 2009 Regular Meeting**

Council member Shull moved for approval of the minutes of January 6, 2009 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

**TREASURER'S REPORT**

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented.

**POLICE REPORT**

Mayor Ewing said the police report had been distributed and said that Officer Ron Fox was present to answer any questions Council might have. He added that if there were any questions about increase in the number of traffic citations he had a breakdown. The Police report was accepted as presented.

**ACTION AGENDA**

**A. Amendment of Joint Land Use Plan and Joint Land Use Map**

Mayor Ewing asked for a motion to approve the changes to the Joint Land Use Plan and Map. Council member Bowers moved that the Council approved the changes as presented. Council member Fravel questioned the buffer on the east side of Route 11 on the south end of Town. He said he remembered discussing the buffers being up to 200 feet. Mr. Henshaw said the conservation area on the west side could be up to 200 feet and the east side would be a minimum of 100 feet as in previous language. Council member Fravel said he believed Council simply talked about changing the wording where it could be up to a maximum of 200 feet on that end of town. Council member Hollis said he agreed with Mr. Henshaw because of discussion about the amount of developable property on that side of the road and that was why it came down to 100 with the verbiage up to 200 feet. Council member Fravel noted that the plan went on to say except on the east side when the buffer would be up to a maximum of 100 feet. He argued that 200 feet would allow the Planning Commission to deal with the developer with some give and take in the buffering. He said that the existing wording of 100 feet would take away any bargaining position before any rezoning or applications and that was what bothered him as a Planning Commissioner. He said he remembered the Planning Commission agreeing to up to 200 feet throughout town. Council member Fravel said Council discussed changing the wording to say up to 200 feet on both sides.

Town Manager, Mike Kehoe said he noticed that on the town's property of 43 acres adjacent to the north quarry the natural resources and recreation area was slid a little deeper into the acreage. He noted that if the town ever wanted to utilize the property in the future this would affect its value. Mayor Ewing asked if this designation had anything to do with water protection requirements and he was advised not. Mr. Henshaw noted that this was a continuation of the original Area II. Mayor Ewing stated that this was a serious issue. Council member Hollis said

Council had noted several errors on the map and Mr. Griffin also pointed out several discrepancies and he could not see approving the map as it was. Mr. Henshaw said the town was limited on mapping capabilities and the map was provided by the County but agreed that something more determinant was needed. Mayor Ewing asked if Council could vote on it with changes to be noted. Mr. Griffin advised that it would be better to agree with the language portion (Joint Land Use Plan) and come back to the map at a later date. He noted that this was an issue that caused the Town to be where it was in the first place and the map was not precise. He stated that if Council adopted the map it would be adopting what it says not what it is intended it to say. Mr. Griffin said that what was presented was not sufficient and suggested Council could choose to adopt the language and not the map.

Council member Bowers moved to amend his motion to address the plan only and not the map. Council member Grim asked if the discrepancy with buffers had been resolved. Council member Fravel said looking at the current interchange and how much property is lost after an interchange is put in, a 200 foot buffer would protect something of a view shed for Stephens City. He added that historically Stephens City always chose 200 foot buffer. Further discussion ensued on the width of buffers. Council member Hollis said that if Planning Commission recommended 200 feet, he would support their opinion. He moved to amend the language in the Joint Land Use Plan in Conservation/Open Space to strike the sentence "On the east side of Route 11, south of town, the buffer may be up to a maximum of 100 feet in width". Mayor Ewing called for a vote on the proposed amendment to the language in Conservation/Open Space. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Council member Bowers moved that the Council of the Town of Stephens City approve the changes to the language of the Joint Land Use Plan as amended. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Mr. Griffin noted that the Joint Land Use Plan as amended would not become effective unless and until the County approved the change.

## **B. Amendment of Erosion & Sediment Control Ordinance**

Mayor Ewing asked for a motion to approve the amendments to the Erosion and Sediment Control Ordinance. Council member Grim moved that Town Council adopt the amendments to the E&S Control Ordinance with minor list of housekeeping amendments to be attached. Mr. Griffin explained that the list would include enabling legislation allowing the town to act and three minor housekeeping matters to incorporate definitions by reference out of the Code of Virginia to avoid having to rewrite the ordinance after every change. The motion passed.

### **Recorded Vote:**

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Mayor Ewing requested that the Clerk read the ordinance by title only for first reading. The Clerk read “An Ordinance to Amend Chapter 5, Erosion & Sediment Control of the Code of the Town of Stephens City for the purpose of revising and amending Chapter 5.” Council member Grim moved to adopt the amendment on the first reading. The motion passed.

Mayor Ewing requested that the Clerk read the ordinance by title only for second reading. The Clerk read “An Ordinance to Amend Chapter 5, Erosion & Sediment Control of the Code of the Town of Stephens City for the purpose of revising and amending Chapter 5.” Council member Hollis moved to adopt the amendment on the second reading. The motion passed with the following recorded vote:

### **Recorded Vote:**

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

## **C. Resolution – LEOS Program (Police Officers)**

Mayor Ewing presented the resolution to provide law enforcement officers additional benefits through the VRS. The Town Manager explained that Virginia requires all state and county police agencies to adopt the VRS extended retirement plan for police officers. He said many towns have already adopted this as a means to retain officers and offer an additional benefit. He added that this year’s budget already provided for this pending an actuarial study by the VRS. He advised that these results have been received and the only requirement left was for

the Town Council to adopt a resolution of participation. Council member Bowers moved that the Stephens City Town Council adopt the resolution as presented (copy attached). The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

## **COMMITTEE REPORTS**

### **A. Parks & Recreation Committee – Ronald Bowers, Chair**

Council member Bowers, Chair of the Committee reported a few items to discuss. He said there was a design for the new pavilion on the Newtown Commons which was approved by the Parks and Recreation Commission and was submitted to the other commission for approval. He added that this was a long range plan.

He reported that the Commission's Rules and Regulations and application for use of the park were reviewed by the attorney and given approval. That application will be submitted by anyone who wants to use park facilities. He said there was a proposed \$50 fee for use of the park without the concession stand which would be refunded if the park was cleaned after the event. He said that with use of the concession stand there would be a \$50.00 deposit, \$25.00 of which would be refunded if the concession stand was found to be in the same condition as it was prior to use. He reported that he checked with another jurisdiction and they charge a fee of \$80.00 for any shelter in the park, \$85 for non-residents. He said there would be a schedule book in the town office to be used for reserving the facilities. He added that as the Town grows, other parks will come under the auspices of the Commission. Council member Bowers thanked the Stephens City Lions Club for work on the shelter and the scouts for the new kiosk.

Mayor Ewing said regarding the stage design, the Parks and Recreation Commission had approved it as a concept as did the Historic Preservation. He asked if Council would approve it as a concept as well. Vice Mayor Shull moved that the Town Council approved the design of the pavilion as a concept. The motion was approved.

Mayor Ewing noted that the rules regarding pets seemed strict. He asked what the discussion had covered. Council member Bowers said the concern was cleaning up after them. Council member Grim said this was already covered under town ordinance. Mr. Griffin suggested using the term unleashed which met with approval. Council member Bowers added that any fees would accompany the application at time of submission. Council member Fravel asked if the item requiring presence of an adult when children are on the playground equipment would apply to the existing playground. Council member Bowers said it would be necessary for insurance purposes. After long discussion, Council chose to reword the regulation using the

wording “children under five years of age using the playground equipment will require the presence of supervision”.

Council member Bowers moved that Town Council approve the Rules and Regulations, application form and fee schedule (copy attached). The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

**B. Water/Sewer Committee – Joy Shull, Chair**

Vice Mayor Shull reported a productive meeting with Mr. Wendell from the FCSA which served to introduce everybody and open discussions. She offered to answer any questions members might have.

**C. Finance Committee – Joseph Hollis, Chair**

Council member Hollis reported that the Finance Committee reviewed the budget year to date and stated that Mike. Kehoe, Town Manager and Kathy Monk, Town Treasurer had done a tremendous job of managing revenues and expenses. He reported that general fund revenues were at 54% with expenses at 49% and utilities fund revenues were at 43% with expenditures at 34%. He said they received an update from Don Price on the 2007-2008 on-going audit and a more detailed report would be available next month.

Council member Hollis reported that the Capon Valley Bank had purchased the old BB&T building and would be renovating and opening soon. He added that with them as a business in the town, he felt the Town should do business with them. He moved to make Capon Valley Bank an approved financial institution for the Town of Stephens City. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Council member Fravel noted that town decals were due by the 15<sup>th</sup> and suggested the press make mention of this in any articles.

## **PLANNER'S REPORT – Brian Henshaw**

Town Planner, Brian Henshaw said he would draft a letter to DCR and the Soil and Water Conservation District that the Town would be taking over the duties of Erosion & Sediment Control in the town limits.

He reported that the Planning Commission recommended approval of the Davis project rezoning but recommended that Council hold action until the Joint Land Use Plan and Map have been adopted by both jurisdictions. He said that a Special Use Permit amendment for Jim Nichols would be scheduled for Public Hearing before Council for the next meeting.

He further reported that the Historic Preservation Commission did recommend approval of the pavilion concept for Newtown Commons.

Mr. Henshaw said he had planned for a joint Town Council-Planning Commission retreat for March 28th from 9 am to 4 pm and was working on the agenda. He said that he had invited Mike Chandler, Director of Education for the Certified Planning Education Association of Virginia to facilitate the retreat. He said he felt it would be a worthwhile exercise and he planned to finalize the details as soon as possible. It was the consensus of the members to join in the retreat for March 28.

## **TOWN MANAGER'S REPORT – Mike Kehoe**

1. Mr. Kehoe announced that there will be an ad in the papers regarding decal sales and which were down. He added that after February 15, it would be up to the Police Department to enforce.
2. Mr. Kehoe said that the agreement with DMV had been signed by the Treasurer and forwarded to DMV. He said this will enable the Town to put stops on vehicle registrations until town personal property taxes are paid.
3. Mr. Kehoe also reported that the town did manage well through the recent cold snap with few problems in the town. He added that two fire hydrants were out of service and these would be repaired this coming week. .
4. He also advised that the plan is to continue the sump pump survey later in the month

## **COUNCIL COMMENTS/CALENDAR**

Mr. Bowers recognized Mr. Hollis' award from Top of Virginia Regional Chamber for large business of the year for B.J. Sager.



Mr. Kehoe said there will be a presentation to the Public Works committee about the facilities study at the next meeting which could take some time. He asked if the Council felt that the meetings needed to be rescheduled. After discussion the calendar was left as it was.

There being no further business, Council member Grim moved to adjourn at 8:35 p.m. and the motion carried.

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Ray E. Ewing, Mayor Ray Ewing

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Dianne L. MacMillan, CMC, Town Clerk